

The Gazette



of India

PUBLISHED BY AUTHORITY

No. 32] NEW DELHI, SATURDAY, AUGUST 11, 1962/SRAVANA 20, 1884

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 30th July, 1962:—

Issue No.	No. and Date	Issued by	Subject
262	S.O. 2377, dated 26th July, 1962.	Election Commission, India.	List of Contesting Candidates by-election to the House of the People from the Tiruchengode Parliamentary Constituency.
263	S.O. 2378, dated 27th July, 1962.	Do.	Amendment to notification No. 434/7/61 (2), dated the 1st January, 1962.
264	S.O. 2379, dated 28th July, 1962.	Ministry of Railways.	Appointment of a Commission of Inquiry for the purpose of making an inquiry into the causes of the collision between 6 Down Amritsar Howrah Mail and 1267 UP SQT Goods Train on 21st July, 1962, at Dumrao Station.
	S.O. 2380, dated 28th July, 1962.	Do.	Directs that all provisions of sub-section (2), sub-section (3) and sub-section (5) of Section 5 shall apply to the Commission of Inquiry.
265	S.O. 2381, dated 30th July, 1962.	Ministry of Information & Broadcasting.	Approval of film specified therein.
	S.O. 2382, dated 30th July, 1962.	Do.	Corrigendum to Ministry's Statutory Order No. 2030, dated 29th June, 1962.

Copies of the Gazettes Extraordinary mentioned above, will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

CABINET SECRETARIAT

(Department of Cabinet Affairs)

New Delhi, the 3rd August 1962

S.O. 2505.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that:—

in respect of the posts in the General Central Service, Class III and the General Central Service, Class IV, specified in column 1 of Parts I

and II of the Schedule to this order, the authority specified in column 2 shall be the Appointing Authority and the authorities specified in columns 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in column 4.

SCHEDULE

PART I—GENERAL CENTRAL SERVICE, CLASS III

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
CABINET SECRETARY-RIAT (Department of Cabinet Affairs)				
All posts	Under Secretary	Under Secretary	All	Joint Secretary

PART II—GENERAL CENTRAL SERVICE, CLASS IV

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
CABINET SECRETARY-RIAT (Department of Cabinet Affairs)				
All posts	Under Secretary	Under Secretary	All	Joint Secretary

[No. 2/38/60-Admn.]

T. S. ANANTAKRISHNAN, Under Secy.

ELECTION COMMISSION, INDIA

New Delhi, the 19th July, 1962

S.O. 2506.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his accounts of election expenses *within the time* required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Shinde Kishan Mahadu, 150, Budhawar Peth, Sholapur.	Pandharpur.

[No. MT-HP/19/62(13)/58625.]

S.O. 2507.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in

the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision

SCHEDULE

Name and address of contesting candidate	Serial No and name of constituency
1	2
Shri Sarvagod Sopan Bhondi, 3686, Thorala Maharwada, Pandharpur.	19—Pandharpur.

[No MT-HP/19/62(12)/58629.]

New Delhi, the 21st July, 1962

S.O 2508.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his accounts of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Jothi Nathsingh, S/o Mothiramsingh, Communist Party, Perundurai	Gobichettipalayam.

[No. MD/HP/19/62(4)/58633.]

By Order,
V. RAGHAVAN, Under Secy.

New Delhi, the 19th July, 1962

S.O. 2509.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No and name of constituency
1	2
Shri Ram Chandra, Ward No 7, Ganganagar, Rajasthan.	21—Ganganagar

[No. RJ-P/21/62(15)/58689.]

S.O. 2510.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Ladu Ram, Ward No. 9, P.O. Nohar, Rajasthan.	21—Ganganagar.

[No. RJ-P/21/62(16)/58685.]

By Order,
K. K. SETHI, Under Secy.

New Delhi, the 31st July, 1962

S.O. 2511.—Whereas the election of Shri Ahmed Mohiuddin as a member of the House of the People from state of Andhra Pradesh from the Secunderabad Parliamentary Constituency has been called in question by an election petition presented under Part VI, of the Representation of the People Act, 1951, by Shri Gummadi Mallareddy son of Shri G. Venkat Reddy, resident of Battonguda, Macha Bolaram, Taluka Medchal, Hyderabad District in the state of Andhra Pradesh;

And whereas the Election Commission has caused a copy of the petition to be published in the official gazette and has served a copy thereof by post on the respondent under sub-section (1) of section 86 of the Representation of the People Act, 1951;

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri A. Srinivasachari, a retired Judge of the High Court of Andhra Pradesh, as the member of the Election Tribunal for the trial of the said petition and Hyderabad as the place where the trial of the petition shall be held.

[No. 82/12/62.]

New Delhi, the 2nd August 1962

S.O. 2512.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Maharashtra, hereby nominates Shri J. B. D'Souza, I.A.S., as the Chief Electoral Officer for the State of Maharashtra with effect from the date he takes over charge and until further orders *vice* Shri J. H. Patwardhan.

[No. 154/4/62.]

S.O. 2513.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Madras, hereby nominates Shri S. Krishnasami Pillai, as the Chief Electoral Officer for the State of Madras with effect from the date he takes over charge and until further orders *vice* Shri Ghulam Md. Badsha, I.A.S.

[No. 154/7/62.]

By order,
PARKASH NARAIN, Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)
New Delhi, the 1st August 1962

S.O. 2514 Statement of the Affairs of the Reserve Bank of India, as on the 20th July 1962.

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital paid up		5,00,00,000	Notes		16,30,62,000
Reserve Fund		80,00,00,000	Rupee Coin		1,87,000
National Agricultural Credit (Long Term Operations) Fund		61,00,00,000	Small Coin		3,58,000
National Agricultural Credit (Stabilisation) Fund		7,00,00,000	National Agricultural Credit (Long Term Operations) Fund.		
			(a) Loans and Advances to :—		
			(i) State Governments		24,03,45,000
			(ii) State Co-operative Banks		11,89,76,000
			(iii) Central Land Mortgage Banks
			(b) Investment in Central Land Mortgage Bank Debentures		2,82,84,000
<i>Deposits :—</i>			National Agricultural Credit (Stabilisation) Fund Loans and Advances to State Co-operative Banks
(a) Government			Bills purchased and Discounted :—		
(i) Central Government		49,32,64,000	(a) Internal
(ii) State Governments		14,28,17,000	(b) External
(b) Banks			(c) Government Treasury Bills		67,45,20,000
(i) Scheduled Banks		106,84,19,000	Balances Held Abroad*		4,51,33,000
(ii) State Co-operative Banks		1,73,89,000	Loans and Advances to Governments**		17,69,59,000
(iii) Other Banks		2,15,000	Loans and Advances to :—		
(c) Others		193,63,50,000	(i) Scheduled Banks†		63,30,000
Bills Payable		35,80,64,000	(ii) State Co-operative Banks††		115,22,76,000
Other Liabilities		18,05,70,000	(iii) Others		92,57,000
			Investments		275,63,01,000
			Other Assets		35,51,00,000
	Rupees	572,70,88,000		Rupees	572,70,88,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 22,00,000 advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 25th day of July 1962.

An account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 20th day of July 1962.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	16,30,62,000		Gold Coin and Bullion :—		
Notes in circulation	2060,76,21,000		(a) Held in India	117,76,10,000	
Total Notes Issued		2077,06,83,000	(b) Held outside India	
			Foreign Securities	89,34,17,000	
			TOTAL		207,10,27,000
			Rupee Coin		118,13,43,000
			Government of India Rupee Securities		1751,83,13,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		2077,06,83,000	TOTAL ASSETS		2077,06,83,000

Dated the 25th day of July 1962,

P. C. BHATTACHARYYA,
Governor.
[No. 3(2)-BC/62.]

An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 27th day of July 1962.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	27,90,55,000		Gold Coin and Bullion :—		
Notes in circulation	2036,72,83,000		(a) Held in India	117,76,10,000	
Total Notes Issued		2064,63,38,000	(b) Held outside India	
			Foreign Securities	96,34,17,000	
			TOTAL		214,10,27,000
			Rupee Coin		120,56,49,000
			Government of India Rupee Securities		1729,96,62,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		2064,63,38,000	TOTAL ASSETS		2064,63,38,000

Dated the 31st day of July 1962.

P. C. BHATTACHARYA,
Governor.

[No. 3 (2)-BC/62.]
A. BAKSHI, Secy.

(Department of Economic Affairs)

New Delhi, the 4th August 1962

S.O. 2516.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution of India, the President hereby directs that the following instruments may be executed on his behalf by the Administrator or the Assistant Administrator, Rehabilitation Finance Administration Unit, of the Ministry of Finance:—

“Reassignment in favour of the assured or a discharge in respect of the value of the policies pledged/assigned with the erstwhile Rehabilitation Finance Administration; endorsement and transfer of promissory notes, debentures, securities and documents of title to goods standing in the name or held by the erstwhile Rehabilitation Finance Administration; signing of documents connected with the business of the Rehabilitation Finance Administration Unit, taken as security against loans advanced by Rehabilitation Finance Administration.”

[No. F. 7(5)-Corp/62.]

M. R. YARDI, Jt. Secy.

CENTRAL BOARD OF REVENUE

CUSTOMS

New Delhi, the 11th August 1962

S.O. 2517.—In exercise of the powers conferred by section 9 of the Sea Customs Act, 1878 (8 of 1878), the Chief Customs Authority hereby makes the following amendment to the rules prescribing and limiting the powers and duties of officers of Customs in the States of Madras and Kerala, published with the notification dated the 10th March, 1910, namely:—

In the said notification for the existing rule (2), the following shall be substituted, namely:—

“(2) All Assistant Collectors of Customs at the port of Madras shall for the port of Madras, exercise, concurrently with, and subject to the orders of the Collector of Customs, Madras all the powers conferred and perform all the duties imposed by the Act on a Customs Collector. The Senior Assistant Collector of Customs shall be competent, in the temporary absence of the Collector of Customs, to exercise all or any of the powers conferred on a Chief Customs Officer.”

[No. 108/F. No. 22/4/61-Cus. IV.]

S.O. 2518.—In exercise of the powers conferred by section 9 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby directs that the following further amendments shall be made to the Rules published with the notifications of the Commissioner of Customs, Bombay No. 3120, dated the 9th May, 1911, and No. 253-6, dated the 1st October, 1920, namely:—

In rule (2) of the said Rules, the words, brackets, letter and figures “with the exception of these indicated in clause (a) of section 182 of the Act” occurring at the end of first sentence shall be omitted.

[No. 109/F. No. 22/4/61-Cus. IV.]

S. VENKATESAN, Secy.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE & LAND CUSTOMS,
SHILLONG**

TRADE NOTICE

Shillong, the 1st June, 1962

SUBJECT:—C.E.—Cosmetics & Toilet Preparations

S.O. 2519.—Trade Notice No. 1/Cosmetics/62, dated 20th February, 1962 is hereby superseded.

2. In pursuance of Rule 233 of the Central Excise Rules, 1944, it is hereby directed that all Cosmetics and Toilet preparations falling under item 14(F) of

the First Schedule to the Central Excise & Salt Act, 1944, shall bear labels clearly indicating:—

- (i) The number of the Central Excise Licence in Form L-4;
 - (ii) The name of the manufacturer or the name of the owner in case the manufacturer himself is not the owner.
3. A specimen of such labels should be lodged with the jurisdictional superintendent of Central Excise for his record before such labels are affixed.
4. The provision of this revised Trade Notice will come into force with effect from the 1st July, 1962.

[No. 1/Cosmetics/62.]

B. S. CHAWLA,
Collector.

CENTRAL EXCISE COLLECTORATE, NEW DELHI

CENTRAL EXCISES

New Delhi, the 12th July 1962

S.O. 2520.—In exercise of the powers conferred under Rule 233 of Central Excise Rules, 1944, I order that owners of powerlooms engaged in the production of Cotton Fabrics, shall indicate the following information by fixing a plate on each loom employed in a factory:—

- (1) S. No. of the loom.
- (2) Name and address of Licensee.
- (3) L. 4 No. and date.

[No. 6/1962.]

K. NARASIMHAN, Collector.

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA AND ORISSA

CENTRAL EXCISE

Calcutta, the 2nd August 1962

S.O. 2521.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, I hereby make the following amendments to this Collectorate Notification No. 1/1961, dated 4th April, 1961, namely—

Insert the following in Columns 3 and 4 against the entry at Serial No. 2 of the Table annexed to the above quoted Notification:—

Relevant Central Excise
Rule in respect of
which power is delegated
(Column 3 of Notfn.
No. 1/61 dated 4-4-61).

Restriction, if any,
(Col. 4 of Notfn. No. 1/61
dt. 4-4-61).

“96 mm (2) (ii) }
[96 P(3)] }

The amount of refund of
initial deposits shall be
restricted to Rs. 500/- in each cas

[No. 6/1962]

R. PRASAD, Collector.

MINISTRY OF FOOD AND AGRICULTURE
(Department of Agriculture)
(Indian Council of Agricultural Research)

New Delhi, the 3rd August 1962

S.O. 2522.—Whereas it appears to the Central Government to be necessary and expedient so to do for securing the equitable distribution of an essential commodity, namely Coal:—

Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs that every person who owns or manages a cotton ginning or pressing factory shall *on or before the 31st August, 1962*, submit to the Secretary, Indian Central Cotton Committee, 14, Nicol Road, Ballard Estate, Bombay-1, a statement in the form in the schedule appended hereto containing true and accurate information relating to matters mentioned therein.

SCHEDULE

(Information to be furnished by Ginning and Pressing Factories. Factories which do not intend to work during 1962-63 season must clearly mention so at the top of this form).

1. (a) Full name and postal address of the factory.
(b) Press Mark (in the case of a pressing factory).
2. Name of the railway station at which the factory normally receives coal and the name of the railway on which the station is situated.
3. Normal date of commencement and date of finishing of work in the factory.
4. Number of bojas of cotton (lint) of 180 kgs. each ginned (by steam power only) in the factory during 1960-61 season.
5. Number of bojas of cotton (lint) of 180 kgs. each ginned (by steam power only) in the factory during 1961-62 season.
6. Number of bales of raw cotton pressed (by steam power only) in the factory during 1960-61 season.
7. Number of bales of raw cotton pressed (by steam power only) in the factory during 1961-62 season.
8. Type of power plant installed in the factory (State whether steam, producer gas, diesel or electric. Give details for gin and press separately).
9. Total numbers of gins installed in the factory. (State whether single, double roller or saw gins).
10. Total number of gins which will work in 1962-63 season by
(a) Steam power.
(b) Other than steam power.
11. Number of half presses installed in the factory.
12. Number of full presses installed in the factory.
13. Tons of coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1960-61.
14. Tons of firewood or fuel other than coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1960-61.
15. Tons of coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1961-62.
16. Tons of firewood or fuel other than coal consumed by the factory (for ginning and/or pressing cotton only) during the season 1961-62.
17. Quantity of coal that the Secretary, Indian Central Cotton Committee, Bombay, recommended for—
(1) 1961-62 season.
(2) the period May—December, 1962.

18. Quantity of coal sanctioned by the Deputy Coal Controller (Distribution), Calcutta, (1) for 1961-62 season and (2) for period May—December, 1962 (give number and date of sanctions).
19. Quantity of coal actually received by the factory as a result of items 17 and 18 above during the 1961-62 season.
20. Tons of coal, if any, purchased by the factory from the market during the 1961-62 season in addition to the quantity shown against item 19.
21. Tons of coal held in stock at the end of the 1961-62 season.
22. Tons of firewood or fuel other than coal held in stock in the date of making this application.
23. Estimated quantity of cotton (in bales of lint) expected to be ginned and/or pressed from 1st January, to 31st December, 1963.
24. Estimated quantity of coal in tons excluding the stocks of fuel shown against items 21, and 25 required by the factory during the calendar year 1963.
25. Tons of coal and/or firewood not in possession of the factory but in which the factory has any lien or interest on the date of this application.
26. If the factory is a member of any pool, name and address of the secretary of the pool may be given here.
27. Whether the factory was silent during 1961-62 season. If silent owing to pool, please give name and postal address of the Pool Secretary.

NOTE.—(a) Factories which were silent in the 1961-62 season should produce a certificate in original from a Local Government Gazetted Officer to the effect that the factory will work during the 1962-63 season, which should indicate also his opinion regarding the estimated output (ginning and pressing of cotton separately) of the factory.

(b) Output and consumption figures should invariably be given in the unit prescribed herein.

(c) Application should be complete in every respect. Incomplete information may entail delay in issue of permits.

I declare that the factory is not receiving supplies of coal under any other priority classes or under recommendation from any other recommending authorities for the purpose for which the coal quota has now been applied for.

Signature of Factory Manager or Proprietor.

Date

NOTE.—1. In respect of figures of stocks of fuel (*vide* items 21 and 22 above) it is essential that not only stocks in possession of the factory should be shown but also any stocks that it may have a lien on/or that may be held by any of the partner or sister concerns should be shown with details.

2. Change of proprietorship of the factory must be intimated to the Secretary, Indian Central Cotton Committee, Bombay, immediately the change is made.

3. In case the factory does not require coal after the application has been made or the recommendation has been issued, the factory must telegraphically intimate to that effect to the Secretary, Indian Central Cotton Committee, Bombay-1. In the meantime, any coal, which happens to be despatched to the factory should be taken delivery of by the factory without delay and kept in its possession pending disposal instruction. Should a factory which has applied for the coal fail to take delivery in time, the demurrage charges and other expenses incurred on that account shall be borne by the factory.

[No. 1-8/62-Com. IV/III.]

N. K. DUTTA, Under Secy.

MINISTRY OF WORKS, HOUSING & SUPPLY

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd August 1962

S.O. 2523.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri Bhagchand G. Chhugani, as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 6/6/62-ARG.]

S.O. 2524.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri J. C. Gulati, as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 6/6/62-ARG.]

KANWAR BAHADUR,

Settlement Commissioner (A) & Ex-Officio, Dy. Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

Ports

New Delhi, the 2nd August 1962

S.O. 2525.—In exercise of the powers conferred by Section 7 read with section 13(3) of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Central Government hereby appoints Shri D. M. Tulpule to be a member of the Board of Trustees of the Port of Bombay during absence on leave of Shri H. N. Trivedi.

[No. 8-PG(74)/62.]

New Delhi, the 3rd August 1962

S.O. 2526.—In pursuance of sub-section (3) of section 6 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Central Government hereby publishes the following return received from the Secretary, the Indian Merchants' Chamber, Bombay, namely:—

Return showing the name of the person elected by the Indian Merchants' Chamber, Bombay in accordance with the provisions of section 13(2) of the Bombay Port Trust Act, to be a member of the Board of Trustees of the Port of Bombay during the temporary absence on leave of Shri S. M. Shah.

Date of election	Name of person elected
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17th July, 1962	Shri Babubhai M. Chinai
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[No. 8-PG(75)/62.]

HARBANS SINGH, Under Secy.

(Department of Transport)

(Roads Wing)

New Delhi, the 4th August 1962

S.O. 2527.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in

the notification of the Government of India in the late Ministry of Transport No. S.R.O. 610, dated the 28th February 1957, namely :—

In the Schedule to the said notification,—

(1) in part I, after the existing entries, the following shall be inserted, namely:—

1	2	3	4
<i>"Road Test Track, Calcutta.</i>			
All posts	Consulting Engineer (Road Development) and <i>ex-officio</i> Joint Secretary to the Government of India.	Consulting Engineer (Road Development) and <i>ex-officio</i> Joint Secretary to the Government of India.	All"

(2) in Part II, after the existing entries, the following shall be inserted, namely:—

1	2	3	4	5
<i>"Road Test Track, Calcutta.</i>				
All posts	Chief, Engineer, Government of West Bengal, Development (Roads) Department, Calcutta.	Chief Engineer, Government of West Bengal, Development (Roads) Department Calcutta.	All	Consulting Engineer (Road Development) and <i>ex-officio</i> Joint Secretary to the Government of India."

(3) in Part III, after the existing entries, the following shall be inserted, namely:—

1	2	3	4	5
<i>"Road Test Track, Calcutta.</i>				
All posts	Chief Engineer, Government of West Bengal, Development (Roads) Department, Calcutta.	Chief Engineer, Government of West Bengal, Development (Roads) Department, Calcutta.	All	Consulting Engineer (Road Development) and <i>ex-officio</i> Joint Secretary to the Government of India."

[No. WIII-47 (6)/62]

K. BALAKRISHNAN, Under Secy.

(Department of Communications and Civil Aviation)
(P. & T. Board)

New Delhi, the 30th May 1962

S.O. 2528.—In exercise of the powers conferred by section 74 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

(a) These rules may be called the (Indian Post Office Amendment) Rules, 1962.

(b) They shall come into force with effect from 1st October, 1962.

2. In the Indian Post Office Rules, 1933 for Rule 188, the following rule shall be substituted, namely:—

"188: Official correspondence transmitted by foreign post shall be subject to the same rates and be governed by the same rules as private correspondence. Service stamps shall not, however, be used on official correspondence addressed to foreign countries."

[No. 33/3/61-CN.]

S. M. GHOSH, Director (Mails).

(Departments of Communications and Civil Aviation)

(P. & T. Board)

New Delhi, the 31st July 1962

S.O. 2529.—In exercise of the powers conferred by sub-rule (2) of the 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620, dated the 28th February, 1957, namely:—

In the schedule to the said notification,—

- (1) in Part II, General Central Services, Class III, after the heading "Office of the Chief Controller of Telegraph Stores and Controllers of Telegraph Stores (including Store Depots)" and the entries relating thereto, the following heading and entries shall be inserted, namely:—

1	2	3	4	5
"Circle Store Depots attached to the Circle Offices and Telephone Districts.				
Staff in Higher and Lower Selection Grades or in identical scales of Pay; Engineering Supervisor; Wireless Supervisor.	Director of Telegraphs; D.P.T.; Dy. General Manager (Telephone); District Manager.	Director of Telegraphs; D.P.T., Dy. General Manager (Telephone); District Manager.	All	Postmaster General; General Manager (Telephones); Member (Administration)"
		Assistant Engineer.	(i) to (iii)	Director of Telegraphs; Deputy General Manager (Telephones); District Manager; Dy. Director.
All other posts	Assistant Engineer	Assistant Engineer	All	Director of Telegraphs; D.P.T.; Deputy General Manager (Telephones); Deputy Director in respect of penalties (i) to (iii)";

- (2) in Part III, General Central Service, Class IV, after the heading "Office of the Chief Controller of Telegraph Stores and Controllers of Telegraph Stores (including Store Depots)" and the entries relating thereto, the following heading and entries shall be inserted, namely:—

1	2	3	4	5
"Circle Store Depots Attached to the Circle offices and Telephone Districts.				
All posts	Assistant Engineer	Assistant Engineer	All	Director of Telegraphs; Deputy General Manager (Telephones); District Manager; Deputy Director."

[No. 44/21/61-Disc.]

D. K. AGARWAL,
Assistant Director General,
Posts and Telegraphs.

MINISTRY OF EDUCATION

New Delhi, the 28th July, 1962.

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890.

AND

IN THE MATTER OF THE BANUBAI BYRAMJI KANGA TRAINEES' WELFARE FUND OF THE TRAINING CENTRE FOR THE ADULT BLIND, DEHRA DUN.

S.O. 2530.—In partial modification of clauses 5 and 6 (a) of Schedule B, of this Ministry's notification No. F. 8-56/59-S.W. 6, dated the 28th February, 1962, the Central Government doth hereby order that the Treasury Officer, Dehra Dun, will be an *ex-officio* Member-cum-Treasurer of the Fund and shall hold this office during the pleasure of the Central Government.

The appointment of Shri R. L. Singh, Treasury Officer, Dehra Dun, as *ex-officio* Member-cum-Treasurer in the Managing Committee is hereby notified.

[No. F. 1-17/62-S.W. 6.]

N. D. J. RAO, Dy. Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS**ARCHAEOLOGY**

New Delhi, the 3rd August 1962

S.O. 2531.—Whereas by notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F. 4-2/62-C.1, dated the 28th February, 1962 published in Part II section 3 sub-section (ii) of the Gazette of India dated the 3rd March, 1962, the Central Government gave notice of its intention to declare the archaeological site and remains specified in the Schedule below to be of national importance;

And, whereas, the objection received to the making of such declaration has been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological site and remains to be of national importance.

SCHEDULE

State	District	Taluk	Locality	Name of site	Revenues plot numbers to be included under protection	Area	Boundaries	Owner-ship	Remarks
Andhra Pradesh	Guntur	Bapatla	Pedganjam	Ancient mound comprised in survey plot No. 82/3	Whole of survey No. 82/3	10.13 acres.	North : Survey Plot Nos. 70/A2, 70/A3, 70/B3 and 70/C East : Survey Plot No. 81 (Donka) South : Survey plot No. 90/2. West : Survey plot Nos. 83/3 and 82/2.	Private	..

[No. F. 4-2/62-C.1.]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF HEALTH

New Delhi, the 1st August 1962

S.O. 2532.—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the Medical qualification M.D. granted by the Tulane University, New Orleans, Louisiana, U.S.A. shall be a recognised medical qualification for the purposes of this Act.

[No. F. 16-9/62-MI.]

New Delhi, the 4th August 1962

S.O. 2533.—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the Medical qualification 'Dr. Med.' (Doctor of Medicine) Friedrich Wilhelm University of Silesia, Breslau (Germany) shall be a recognised medical qualification for the purposes of this Act.

[No. F. 16-7/62-MI.]

ORDERS

New Delhi, the 1st August 1962

S.O. 2534.—Whereas the Government of India in the Ministry of Health has, by notification No. 16-9/62-MI, dated the 31st July, 1962, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. granted by the Tulane University, New Orleans, Louisiana, U.S.A., for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Vela H. Cleveland and, who possesses the said qualification, continues to work in the Christian Medical College and Hospital, Vellore, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Vela H. Cleveland shall be limited.

[No. F. 16-9/62-MI.]

New Delhi, the 6th August 1962

S.O. 2535.—Whereas, the Government of India in the Ministry of Health has, by notification No. 16-7/62-MI, dated the 4th August, 1962, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Dr. Med. (Doctor of Medicine) granted by the Friedrich Wilhelm University of Silesia, Breslau (Germany) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Margarete Wawersik, who possesses the said

qualification continues to work in the Basel Mission Hospital, C.S.I. Betgeri, Dharwar Dist., to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Margarete Wawersik shall be limited.

[No. F. 16-7/62-MI.]

S.O. 2536.—Whereas the Government of India in the Ministry of Health has, by notification No. F. 16-44/61-MI, dated the 23rd July, 1962, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "ARTSEXAMEN" (i.e. Diploma Medical Faculty) granted by the University of Amsterdam for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Alexander Willem Fredrik Rutgers, who possesses the said qualification, continues to work in the Basel Mission Hospital C.S.I. Betgeri, Dharwar Dt., to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Alexander Willem Fredrik Rutgers shall be limited.

[No. F. 16-7/62-MI.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 1st August, 1962

S.O. 2537.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Sitasongi mine of Seth Gopikisan Agarwal and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-10 of 1962

PARTIES:—

Employers in relation to the Sitasongi Mine of Seth Gopikisan Agarwal
AND
their workmen.

PRESENT:—

Shri Salim M. Merchant,—*Presiding Officer,*

Bombay: Dated: July, 1962.

APPEARANCES:—

For the employers.—Shri A. L. Saldji, Advocate with Shri Waghmare.

For the workmen.—Shri N. H. Kumbhare, Advocate.

STATE: Maharashtra.

INDUSTRY: Manufacture Mining.

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No 23/8/62-LRII, dated 7th May, 1962, made in exercise of the powers conferred

by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), was pleased to refer the industrial dispute between the parties abovenamed in respect of the subject matter specified in the following schedule to the said order, to me for adjudication:—

SCHEDULE

“Whether the management of Sitasongi Mine of R. S. Seth Gopikisan Agarwal was justified in reducing the piece rates per frame of 10 Cft. of chilly boulder ore from Rs. 16 to Rs. 12 and to Rs. 14 in week ending 1st February, 1962, and 8th February, 1962, respectively in respect of the workmen employed in Section No. 1, of the said mine. If not what relief should be given to the workmen concerned and from what date?”

2. The hearing of this dispute was taken up at Nagpur on 25th July, 1962, and at the adjourned hearing on 26th July, 1962, the parties filed a joint application recording the terms of settlement reached between them and have prayed that an award be made in terms thereof. A copy of the terms of settlement is annexed hereto and marked annexure ‘A’. As I am satisfied that the terms of settlement are fair and reasonable I make an award in terms of annexure ‘A’ which shall form part of this award.

In view of the fact that in the settlement the union has substantially succeeded, I award Rs. 30 as costs in favour of the workmen to be paid to Shri N. H. Kumbhare, their Advocate, within a week from the date of the publication of this award.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Govt. Industrial Tribunal, Bombay.

ANNEXURE ‘A’

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY
CAMP NAGPUR.

REFERENCE No. CGIT-10 OF 1962

PARTIES:—

Employers in relation to the Sitasongi Mine of Seth Gopikisan Agarwal

AND

their workmen.

May It please the Tribunal,

We the parties to the above dispute have arrived at the following settlement:—

It is agreed that the management will restore in respect of the workmen employed in Section No. 1 of the Sitasongi Mine the rate of Rs. 16/- per frame of 10 Cft. of chilly boulder ore on and from 1st August 1962. The workmen will however, be paid the difference between the rate of Rs. 16/- and the rate of Rs. 12/-

for the period for the week ending 1st February 1962 to the week ending 9th February 1962 and thereafter upto 25th April 1962 at the rate of difference between Rs. 16/- and Rs. 14/- per frame. The payment thus found due will be made to the workmen within two months from the date of this agreement.

Parties pray that an award be made in terms thereof.

Dated at Nagpur,
The 26th July 1962.

Sd. A. L. SANGHI,
For the Sitasongi Mine
of Seth Gopikisan Agarwal.
Sd. N. H. KUMBHARK,
For the Workmen.

Taken on File.
(Sd.) SALIM M. MERCHANT,
Presiding Officer.
26-7-1962.

[No. 23/8/62-LRII.]

S.O. 2538.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bharweli Manganese Mine belonging to Messrs. B. Byramji and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY
REFERENCE NO. CGIT-16 OF 1961

PARTIES:—

Employers in relation to the Bharweli Manganese Mine belonging to Messrs.
B. Byramji

AND
their workmen.

PRESENT:—

Shri Salim M. Merchant, Presiding Officer.
Bombay: Dated 28th July 1962

APPEARANCES:—

For the employers:—Shri A. S. Bobde and Shri G. L. Sanghi, Advocates, instructed by Shri V. N. Vidwans, Manager, Bharweli Manganese Mine.

For the workmen:—Shri N. T. Khadgi, Advocate, instructed by Shri S. K. Sanyal, General Secretary, Samyukta Khadan Mazdoor Sangh.

STATE: Maharashtra.

INDUSTRY: Manganese Mining.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 21/16/60-LRII dated 9th May 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer the industrial dispute between the parties above-named, in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:—

SCHEDULE

"Whether the manganese ore should be measured upto the heap level of the farma (Kudo) or to the water level for calculating the wages of workers?"

2. After the parties had filed their written statements, the dispute was taken up for hearing at Nagpur on 28th May 1962, when, after some discussion the parties applied for an adjournment to explore the chances of reaching an amicable settlement, and the hearing was, therefore, adjourned to 25th July 1962. At the adjourned hearing of the dispute at Nagpur on 25th July 1962 after some discussion, the parties reached a settlement which they have recorded in a joint application filed before me and have prayed that an award be made in terms thereof. A copy of the joint application of the parties is annexed hereto and marked annexure 'A'. As I am satisfied that the terms of settlement reached between the parties are fair and reasonable, I make an award in terms of annexure 'A', which shall form part of this award.

No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY,
AT NAGPUR

IN THE MATTER OF REFERENCE No CGIT-16/61 FIXED FOR 25-7-1962

BETWEEN

Employers in relation to the Bhavali Manganese Mines of M/S Byramji,
AND
their workmen

The parties to the above dispute hereby agree as under —

1 By consent it is agreed that the manganese ore shall be measured upto the water level of the farma (Kudav) for calculating the wages of the workers and the workers will not be required to fill the Kudos upto the heap level

2 It is further agreed that the present rate of wages for 8 Kudos filled to the heap level will be paid for filling the heap Kudos upto the water level and an additional Kudo of the size of 10' X 10' X 8.5' and that this rate will apply for the ore of all rates and grades. The size of the farma or Kudo at present in force is 15' X 15' X 15' and it will be continued

3 That this settlement is applied to the workmen of the Bhavali Manganese Mines belonging to P Byramji & Co and their workmen

Prayer —It is, therefore, prayed that this Honourable Tribunal be pleased to make an award in terms of this agreement

Nagpur
The 25th July 1962.

V N VIDWANS,
for and on behalf of M/s B
Byramji & Co
S K SANYAL,
General Secretary,
Sayunkta Khadan Majdoor Sangh.

G L SANGHI,
Counsel for M/s B
Byramji & Co
(Sd) N T KHADGI,
Counsel for Sayunkta Khadan Majdoor Sangh

Witnesses —

LIT of
Soma s/o Todya
RHT of
Purnabai w/o Uikundya

Taken on File
Sd/-
Salim M Merchant,
Nagpur, 25-7-1962
Presiding Officer,
Central Government Industrial Tribunal,
Bombay

[No 21/16/60-LRII.]

S.O 2539—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the South Kujama Colliery and their workmen

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL DHANBAD

REFERENCE No 4 of 1962

PARTIES

Employers in relation to the South Kujama Colliery

AND

their workmen.

PRESENT.

Shri Salim M Merchant,
Presiding Officer.

CAMP, Bombay

Dated: 21st July 1962.

APPEARANCES:

For the employers.—Shri S. S. Mukherjee, Advocate.

For the workmen.—Shri Mahesh Desai with Shri Harivansh Singh, Secretary, Koyla Mazdoor Panchayat.

STATE: Bihar

INDUSTRY: Coal Mining.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 2/251/61-LRII dated 15th January 1962, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947) was pleased to refer the industrial dispute between the parties abovenamed in respect of the subject matters specified in the following schedule to the said order for adjudication to the Industrial Tribunal, Dhanbad.

SCHEDULE

"Whether the dismissal of Shri Ram Dayal Singh, Pump Attendant, by the management of South Kujama Colliery of M/s Bagdigi Kujama Collieries Co. (1946) Ltd. was justified, if not, to what relief is he entitled."

2. It is admitted that Ram Dayal Singh the dismissed workman was employed as a pump khalesi in the South Kujama Colliery and that he was dismissed from service by the company's letter dated 10th November 1961 for the misconduct of having been found sleeping on duty on 2nd November 1961. It appears that on 2nd November 1961 the Director of the company Shri D. V. Manek (E.W.1) went down the mine and found that the pump attendant Ram Dayal Singh was sleeping whilst on duty and the pump was working. He asked Pashupathi Chakravarti, Overman, to wake up Ram Dayal Singh and thereafter ordered him to leave his work and sent him up. He then addressed a chit to the Manager in which he stated that he had found the attendant of 62 H.P. electric pump at 10 Seam top sleeping on duty and awakened him with the help of the overman and removed him from the mine. He directed the Manager to take up the case and make the necessary arrangements. (Exhibit E-1). The explanation given by Ram Dayal Singh was that he had been sleeping on duty on 2nd November 1961 (Exhibit A) to the company's written statement in which he was informed that during the surprise visit into the mine of Shri D. V. Manek, Director, that day he was found by him sleeping on duty. He was asked to show cause within 48 hours why disciplinary action should not be taken against him for the above misconduct and he was suspended pending enquiry. To this charge-sheet Ram Dayal Singh submitted an explanation (Exhibit W) in which he stated that he was not sleeping and that the charge-sheet had been served on him only with a view to harass him. He had made some complaint regarding certain illegal practices of the management to the Inspector of Mines when he had visited the mines on 29th October 1961. He said that the Incharge Pashupathi Chakravarti had threatened him to leave the mine but otherwise his services would not be continued because he had made a report against the company to the Chief Inspector of Mines. He stated that he was innocent and the charge-sheet be withdrawn and he may be allowed to attend to his duties. Thereupon he was released for 6th November 1961 when Ram Dayal Singh made a written request for two days' time and therefore the enquiry was adjourned to 8th November 1961. At the adjourned enquiry Ram Dayal Singh, when asked to do so, refused to make a statement. The Enquiring Officer, relying upon the statement of Shri D. V. Manek, Director, dated 2nd November 1961 (Exhibit E-1) to the effect that the Company held that Ram Dayal Singh was guilty of the misconduct of having been found sleeping on duty, directed the dismissal of Ram Dayal Singh from service dated 10th November 1961 (Exhibit F) by which he was dismissed from service.

3. Now, the defence for the workman is that he has been victimised because he had made some complaint against the management to the Inspector of Mines. Shri Mahesh Desai, when he had inspected the colliery on 29th October 1961. Shri Mukherjee has been examined before me on behalf of the union (WW-1) and he has deposed that on 29th October 1961 Ram Dayal Singh had told him that the management was guilty of certain illegalities and irregularities. He identified Ram Dayal Singh as the workman who had made this complaint to him. But Shri Mukherjee in his evidence has admitted that he had not conveyed anything of what Ram Dayal Singh had told him either to Shri D. V. Manek, the Director of the company or the Assistant Manager, Shri Dutta, who were present at the inspection, because Ram Dayal Singh had told him not to

ment on anything he had stated to the management as he was afraid the management would victimise him if it came to know that he (Ram Dayal Singh) had reported against the company.

4. Now, with regard to the merits of the incident, at the commencement the defence appeared to be that Shri Manek the Director had never seen Ram Dayal Singh underground on 2nd November 1961 and the union sought to establish this defence by calling for the attendance registers of the two pits—the "Maharaj Pit" and the "Central Pit"—of the colliery to show that Shri Manek had never gone underground on 2nd November 1961. But this story completely failed as Ram Dayal Singh in his evidence admitted that Shri Manek and Shri Pashupathi had come underground to his place of work at 2-45 p.m. on 2nd November 1961 and had ordered him to go up. The defence story was that Ram Dayal Singh was not sleeping whilst on duty and that a completely false charge was made against him because he had made certain reports to the Mines Inspector Shri Mukherjee when he inspected the colliery on 29th October 1961. I find it difficult to accept this story. Ram Dayal Singh has admitted in his evidence that he was sent up at 2-45 p.m. on 2nd November 1961 but he was not able to offer any explanation as to why he was sent up to the colliery. I accept Shri Manek's evidence which is corroborated by a contemporaneous piece of writing (Ex. E-1) which he addressed to the Manager recording that he and Pashupathi had found Ram Dayal Singh sleeping on duty and the pump was running.

5. The next contention of Shri Mahesh Desai is that no proper enquiry was held. As I have stated earlier it was at the request of Ram Dayal Singh that the enquiry was adjourned from the 6th to the 8th and on 8th November, Ram Dayal Singh appeared but refused to make a statement. The Enquiring Officer, therefore, relied upon the chit addressed by Shri Manek to the Manager (Ex. E-1) and held him guilty of the charge of sleeping on duty. Even if no proper enquiry was held Shri Manek deposed before me in support of the charge and he has been cross-examined by Shri Mahesh Desai. From the evidence before me I hold that it is established that Ram Dayal Singh was sleeping whilst on duty on 2nd November 1961. I am, therefore, satisfied that the misconduct with which Ram Dayal Singh was charged has been established.

6. It was next urged by Shri Mahesh Desai that dismissal for this misconduct was a punishment out of all proportion and was discriminatory against Ram Dayal Singh, because two other workmen who were found sleeping whilst on duty when the Mines Inspector, Shri Mohan Lal Mukherjee, (W.W.1) had visited the colliery on 29th October 1961 were let off with a warning and the management had not at all taken into consideration the fact that this was Ram Dayal Singh's first misconduct in his 10 years' service in this colliery. Ram Dayal Singh has in his evidence stated that he joined the colliery's service in 1949 and he had a clean record of service and he had not been ever served with a charge sheet and this statement has gone unchallenged in cross-examination. The company has explained that the Mines Inspector in drawing the attention of the management to his having found these two pump khalasis sleeping on duty, had himself recommended that they should be warned and in those circumstances the management could not inflict any higher punishment than of warning on them. It is true that when a misconduct is established it is for the management to decide what is the proper punishment to inflict and the Tribunal will interfere only if the punishment is discriminatory and out of all proportion to the gravity of the misconduct. It is now well established that excessive and discriminatory punishment for a misconduct would be indicative of unfair labour practice and would justify the Tribunal interfering with the management's discretion, though as a general rule in matters of punishment when the misconduct is once established the Tribunals cannot substitute their own judgment for that of the management. (Indian Iron and Steel Co. v. their workmen 1958 I LLJ p. 260). It is not denied that Ram Dayal Singh had a blameless record of about 10 years' continuous service with the company and that this was his first and only misconduct. This, coupled with the fact that for the same misconduct of sleeping on duty two other pump khalasis were let off by a warning, which the Inspector of Mines thought was the proper measure of punishment on a pump khalasi for the misconduct of sleeping on duty, which is also a violation of the Mines Regulations. The management has not established that any higher punishment than a mere warning was inflicted on and workman for the first offence of having been found sleeping on duty. In these circumstances, I feel an interference by me is called for, as in my opinion the punishment of dismissal is excessive and discriminatory and amounts to unfair labour practice for the reasons (1) that for the same misconduct committed by two other pump khalasis only few days earlier the company had merely warned them. (2) Ram Dayal Singh had a clean record of service for 10 years

which the management does not at all appear to have taken into consideration when inflicting the extreme punishment of dismissal. Coupled with this is the fact clearly established from the independent evidence of Shri M. L. Mukherjee, Inspector of Mines (WW-1) that Ram Dayal Singh had complained to him only a few days before his dismissal about certain illegal practices of the management which had resulted in certain notices being served upon the management by the Mines Department. Shri M. L. Mukherjee, Inspector of Mines (WW-1) has also deposed that Ram Dayal Singh when he conveyed the information to him on 29th October, 1961, had told him not to mention to the management that he had given this information to him as he (Ram Dayal Singh) was afraid that he would be victimised by the management. All these facts and circumstances make me feel that there is substance in the Union's contention that this extreme punishment of dismissal was tainted with unfair labour practice. For these reasons, I hold that the dismissal of Ram Dayal Singh was unjustified.

5. With regard to what relief should be granted to him, I direct that he should be reinstated in his former post of pump khalasi within a month of this award becoming enforceable and that for the period from the date of his dismissal on 10th November, 1961, till the date of his reinstatement he should be treated as on leave without pay. He shall, however, be entitled to the benefit of continuity of service.

No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Dhanbad.
[No. 2/251/61-LRII.]

New Delhi, the 3rd August 1962

S.O. 2540.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Sitasongi mine of Seth Gopikisan Agarwal and their workmen

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-8 OF 1962

PARTIES:

Employers in relation to the Sitasongi Mine of Seth Gopikisan Agarwal
AND
their workmen

PRESENT:

Shri Salim M. Merchant, Presiding Officer.
Bombay: Dated July 1962

APPEARANCES:

For the employers:—Shri A. L. Sangi, Advocate with Shri Waghmare.

For the workmen:—Shri N. H. Kumbhare, Advocate.

STATE: Maharashtra.

INDUSTRY: Manganese Mining.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 23/10/62-LRII, dated 25th April 1962, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, was pleased to refer the industrial dispute between the parties above named in respect of the subject matter specified in the following schedule to the said order, to me for adjudication:—

SCHEDULE

"Whether the management of Sitasongi Manganese Mine of Seth R. S. Gopikisan Agarwal was justified and legally correct in terminating the services of (1) Bala s/o Sukha (2) Kaloo s/o Tidskoo and (3) Kisan s/o Kodoo. If not what relief should be given to the workers and from what date?"

2. The hearing of this dispute was taken up at Nagpur on 25th July 1962 and at the adjourned hearing on 26th July 1962 the parties filed a joint application

recording the terms of settlement reached between them and have prayed that an award be made in terms thereof. A copy of the joint application of the parties is annexed hereto and marked annexure 'A'. Under the terms of settlement the employers have agreed to reinstate the three dismissed workmen in their former posts in the Sitasongi Manganese Mine and to pay to each of them Rs. 170 as compensation for the period from the date of their dismissal to the date of their reinstatement, which is to be effected by 1st August 1962. The reinstatement will be with continuity of service. As I am satisfied that the terms of settlement are fair and reasonable, I make an award in terms of the joint application of the parties marked annexure 'A' which shall form part of this award.

In view of the fact that in the settlement the union has substantially succeeded, I award Rs. 30 as costs in favour of the workmen to be paid to their Advocate Shri N. H. Kumbhare, within a week from the date of the publication of this award.

(Sd.) SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.

ANNEXURE 'A'
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY
CAMP NAGPUR

REFERENCE No. CGIT-8 OF 1962

PARTIES:

Employers in relation to the Sitasongi Mine of Seth Gopikishan Agarwal.
and
their workmen

May it please the Tribunal,

We, the parties to the above dispute, have arrived at the following settlement and pray that an award be made in terms thereof.

The employer agrees to reinstate the three dismissed workmen viz., (1) Balason of Sukha (2) Kaloo son of Tidakoo and (3) Kisan son of Kodoo in their former posts in the Sitasongi Mine and to pay to each of them Rs. 170 as compensation for the period from the date of their dismissal till the date of their reinstatement viz., 1st August 1962. The reinstatement will be in continuity of their past services.

It is agreed that the payment of Rs. 170 to each of the above workmen shall be made on or before 1st August 1962.

(Sd.) A. L. SANGHI,
For the Sitasongi Manganese Mine
of Seth R. S. Gopikishan Agarwal.

Nagpur,
Dated 26-7-1962.

(Sd.) N. H. KUMBHARE,
For the workmen.
26-7-1962

(Sd.) PATIRAM SARADE,
General Secretary,
Bhandara Tahsil,
Khadan Mazdoor Sangh.

Taken on File.

(Sd.) SALIM M. MERCHANT,
Presiding Officer.
Nagpur,
26-7-1962.

[No. 23/10/62-LRII.]

S.O. 2541.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Noonodih Jitpur Colliery, Post Office Bhaga, District Dhanbad and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 12 OF 1961.

PARTIES:

Employers in relation to the Noonodih Jitpur Colliery, P.O. Bhaga,

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the employers:

Shri S. Kharwar, Deputy Labour and Welfare Superintendent with Shri K. K. Jais, Welfare Officer.

For the workmen:

Shri S. Bose, Member, Executive Committee, Colliery Mazdoor Sangh.

Camp: Bombay, dated the 20th July 1962.

INDUSTRY: Coal Mining.

State Bihar.

AWARD

The Government of India, Ministry of Labour and Employment, by its Order No. 7/25/61 LIT-1, dated 21st March 1961, made in exercise of the powers conferred by clause (a) or sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, directed the parties to refer the industrial dispute between the parties above named in respect of the subject matter specified in the following schedule due to the said order to me for adjudication:—

SCHEDULE

"The dispute between the employer, Savashan (Savashan) & Co. Ltd., and the workmen, Haldar, Jitpur Colliery (S), Haldar Jitpur, Mines employees, in relation to the award of Messrs. Haldar Jitpur & Co. Ltd. is hereby referred to me for adjudication."

2. The company by notices in the following form terminated the services of these workmen:—

"As you have attained the age of 60 years and you have to be superannuated in accordance with the company's rules, I give you three months notice from date of the end of which your services will be terminated."

The notice of termination is dated 29th June 1959 and the date of termination is dated 30th December 1959 and the date of termination is dated 31st March 1960 (LIT-1, LIT-2). According to the management these three workmen had not on 31, 16 and 7 years completed service respectively, when their services were terminated. It is in this regard that one of them was paid any gratuity or compensation on their superannuation. They, however, became entitled to their Provident Fund dues under the company's contribution scheme, under the Coal Mines Provident Fund Scheme.

3. It is further stipulated that the company has no standing orders for the employees of the colliery, Noonodih Jitpur Colliery, which is owned by the Indian Iron and Steel Co. Ltd.—but it follows the standing orders applicable to the Coal Industry which have been issued by the appellate authority under the Industrial Employment (Standing Orders) Act, 1946 on 8th April 1950. It is further stipulated that in the contract of service of these workmen there is no provision that they would be superannuated on attaining the age of 60 years.

4. On these facts, the union in its written statement of claim on behalf of the workmen has urged that as there is no condition of service by which the workmen could be retired on attaining the age of 60 years, the management's action in terminating the services of these workmen on having attained the age of 60 years was not legal nor justified. The union has denied that there is any condition of service or any rule in the company which was binding on the workmen of this colliery and by which they could be compulsorily retired on reaching the age of 60 years, and it has further contended that even assuming, without admitting, that there was a condition of service to retire workmen on reaching the age of 60 years, there was no medical examination to justify the conclusion that they had attained the age of 60 years on the relevant date. According

to the union, Shrimati Safidan had put in over 20 years' service and Shri Hulas Mahato and Shri Banda Ehuia had each put in 24 years' service in the company, and it has argued that their termination from service without payment of any gratuity to them was unjustified. It has further contended that retirement from service on attaining the age of 60 years had amounted to retrenchment under the Industrial Disputes Act, 1947, as there was no condition of service to that effect and they were entitled to retrenchment compensation. It has, therefore, urged that the retirement of these three workmen without payment of any gratuity or retrenchment compensation was both illegal and unjustified. It has, therefore, claimed that these three workmen are physically and otherwise fit to continue in service and that in the coal industry there are thousands of workmen who continue in employment even after reaching the age of 60 years. It has, therefore, prayed that these three workmen should be reinstated in service with full back wages.

5. The management in its written statement in reply has stated that it follows the standing orders applicable to the coal industry and it has admitted that these standing orders do not contain any provision for retiring workmen on reaching the age of 60 years but, it has urged that this practice is in vogue in this colliery since 1950 and until now there have been some 52 cases of such superannuation. It had at first stated in its written statement that the practice had been in force since 1946, which fact was denied by the union in its statement of rejoinder, and at the hearing the year was changed to 1950. The company has urged that there was thus an implied condition of service in force in this company for over 10 years at the relevant time, of retiring workmen on reaching the age of 60 years. It has urged that since these workmen were retired on reaching the age of 60 years it did not amount to retrenchment under Section 2(cc) of the Industrial Disputes Act, 1947. The company has further contended that there is a practice in this company of making an ex-gratia payment to workmen, who retire on reaching the age of 60 years provided they have put in 25 years service and it has at the hearing filed a statement (Exhibit E. 1) giving details of the workmen of the colliery who were retired on reaching the age of 60 years and of the length of their service and the amount of ex-gratia payment made to them. It has also filed another list of workmen who according to it were retired on reaching the age of 60 years, but who did not qualify for the ex-gratia payment—because according to the company they had not completed 25 years' service. It has argued that considering the strenuous nature of the work in a coal mine, a colliery worker is not able to render satisfactory services after the age of 60 years and in support it has relied upon the provisions in the Coal Mines Regulations by which certain categories of underground workers such as overmen, Mining Sirdars, Shot-Firers, Winding Engineers and Surveyors whose nature of work, according to the company is less strenuous than those of manual workers, like these three workmen, cannot continue in service beyond 60 years. In the circumstances, the company has urged that the claim of the workmen should be dismissed.

6. The union has filed a rejoinder to the company's written statement in which it has specifically denied that there was any implied condition of service in this colliery to retire its workmen on reaching the age of 60 years and has otherwise reiterated the statements and contentions made by it in its written statement of claim.

7. With regard to the union's contention that there was no proper proof that these workmen had reached the age of 60 years, the company states that it has taken the date of birth of each of these workmen, as stated in the form filled by them for the purposes of their Provident Fund and that the three months' notice served on each workman terminated with the date on which each of them attained the age of 60 years. The union had not at the hearing seriously disputed that each of these three workmen had reached the age of 60 years.

8. Shri S. Bose representing the union at the hearing, has urged that the superannuation of these three workmen was not justified because it was not a condition of their service nor did the certified standing orders for the Coal Industry—which this colliery follows—and the new model standing orders which have been approved by the Industrial Committee on coal mining also do not contain any provision for compulsory retirement at the age of 60 years. He has in support relied upon the decision of the Hon'ble Supreme Court in the case of Guest Keen and Williams Vs. P. Sterling I.P.S. and others (1959 II. L.L.J.P. 405). The facts of the case were that the company retired some 47 workmen on their reaching the age of 55 years under a provision contained in the certified standing orders—which had been certified under the Employment (Standing Orders) Act, 1946 (Act, 20 of 1946), and which *inter alia* contained a provision that "workmen shall retire

from the company on reaching the age of 55 years." The workmen were paid all their emoluments due to them besides the provident fund and gratuity amount. They were also paid valuable presents in appreciation of their services. In most of the cases the company appointed the relations of the retired workmen. It was the admitted position in that case that the contract of service of these 47 workmen did not contain any condition that they would be retired on reaching the age of 55 years. An industrial dispute was therefore raised challenging the compulsory retirement of these workmen which was referred by the State Government for adjudication.

9. The State Industrial Tribunal held on the first issue referred to it that the system of forced retirement of workmen at the age of 55 years as introduced by the management in May 1954 was justified and also held that the workmen having failed to appeal against the order of the Certifying Officer under the Industrial Disputes Employment (Standing Orders) Act, it was not open to them to challenge its fairness or propriety by raising an industrial dispute. On appeal by the workmen, the Labour Appellate Tribunal reversed the award of the Industrial Tribunal and directed the reinstatement of the 47 workmen on holding that the provisions in the relevant standing orders regarding superannuation would not apply in cases of the workmen who joined the establishment prior to framing of the standing orders, as there was no age of retirement or superannuation fixed or followed by the employer when they joined their services. The company appealed by Special Leave to the Hon'ble Supreme Court. Their Lordships on the merits of the first issue confirmed the decision of the Labour Appellate Tribunal in the circumstances of the case and the admission made by the management in its pleadings before the Lower Court that there was no age of retirement fixed or followed by it prior to the certification of the standing orders. Their Lordship's held that the fixing of the age of superannuation at 55 in regard to the prior employees could not be reasonable or fair considering that when they entered service there was no such limitation.

10. I have in another dispute—Reference No. 1 of 1960—by my award published in the Government of India Gazette dated 7th May, 1960 at pages 1450:1454, in the case of the Nowrozabad colliery of the Associated Cement Companies Limited, held, following the decision of the Hon'ble Supreme Court that a retirement of workmen at the age of 60 years when there was no retirement age fixed in the contract of service when the workmen joined service or in the standing order certified subsequent to that date, the compulsory retirement of such workmen on reaching the age of 60 years was unjustified. In this case also therefore on the first issue under reference it must be held that the retirement of these three workmen on reaching the age of 60 years was unjustified.

11. It is true that in the case of Guest, Keen, Williams Ltd., the Hon'ble Supreme Court, in view of the pleadings of the workmen, fixed the age of 60 as the age of retirement in respect of the employees who entered the services of the company prior to certification of the relevant standing orders, and rejected the workmen's plea that they had an option to continue in service even thereafter. However, in rejecting the demand of the workmen to be reinstated in service, Their Lordships observed as follows:

"In regard to the 47 workmen shown in the list attached to the reference it appears that all of them have already passed the age of superannuation. Annexure 3 gives the details about these workmen which had been filed by the appellant shows the years of birth of each of them and the entries in the relevant column indicate that none of them would be entitled to claim reinstatement now as a result of this judgment. Besides, as we have already pointed out they have accepted the order of retrenchment without protest and have voluntarily and willingly received their Provident Fund, gratuity as well as presents given to them by the appellant (company). The appellant has also appointed the relatives of many of these retired men. We, would, therefore, direct that none of them is entitled to reinstatement."

12. On the second issue, under reference as to what relief they would be entitled, the union has claimed that these three workmen should be directed to, be

re-instated and it has urged that the Hon'ble Supreme Court had not ordered the reinstatement of the 47 workmen in the Guest Keen Williams and Company's case, not only because those workmen had passed the age of 60 years but because of the special circumstances of that case enumerated in the portion of the judgment extracted above. It has argued that in this case the workmen had not accepted their order of superannuation without protest, they had not accepted their Provident Fund dues, which in this case would be payable by the Commissioner for Coal Mines Provident Fund, they had not been paid any gratuity, nor had they been given any pension nor had any relation of theirs been employed in service. In any case, the union has argued that if they are not given the relief of reinstatement they should at least be granted some relief by way of compensation. The company has opposed either of these reliefs and has pointed out that in the company there has been a practice since 1950 to grant ex-gratia payment at the rate of half month's basic wages for each year of completed service to each workman who was retired on reaching the age of 60 years, provided he had by the date of his superannuation put in 25 years' service in the company. The company has filed a list of 52 workmen, who on retirement had been given such ex-gratia payment, because of their 25 years service and it has filed another list giving the names of 16 workmen who had retired but were not given any ex-gratia payment because they had not put in 25 years service prior to the date of their superannuation. Shri Kanwar representing the management has argued that this practice established an implied term in the condition of services of these three workmen that they would be retired on reaching the age of 60 years. But I cannot accept this contention because on the date of the appointment of these three workmen in service there was no such condition of service and it is also admitted that the certified Standing Order of the Coal Industry which were certified on 8th April, 1950 do not prescribe 60 as the age of retirement. I am, therefore, not prepared to hold that there was an implied condition of service in respect of these three workmen's service to retire then on attaining the age of 60 years.

13. I am of the opinion that the claim for reinstatement in service of the three workmen is not the proper relief to give. But considering that none of these three workmen have been paid anything for the fairly long services with the company, and as I have held that this retirement was not justified because there was no age limit prescribed in their contract of service nor has any age limit been prescribed in the Standing Orders for the coal industry which were framed subsequent to the date of their appointment, they are, in view of the length of their service, entitled to be paid some compensation. In my Award Part II in Reference No. 1 of 1960, to which the union has referred, and in my recent Award in Reference No. 17 of 1961 (Nowrozabad Colliery and their workmen—Gazette of India dated 23rd June, 1962), I had awarded to workmen superannuated under similar circumstances, compensation based on their length of service as follows:—

For those workmen who had put in more than 10 years' service on superannuation—compensation equivalent to five months' basic wages and those who had put in more than five years' service but less than 10 years' service on superannuation—compensation equivalent to three months' basic wages—

and I award that these three workmen shall be paid compensation on that basis. I further direct that payment of this compensation shall be made to them within a month this award becomes enforceable.

No order as to costs.

(Sd) S. L. M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Dhanbad.

[No. 2/25, 61-LRII.]

S.O. 2542—In pursuance of section 17 of the Industrial Disputes Act, 1947 (15 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the dispute between the employer in relation to the Siro Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD**

REFERENCE No. 38 OF 1959

Employers in relation to the Sirka Colliery

AND

Their Workmen.

Dhanbad, dated the 11th July, 1962

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the Employers: Shri S. S. Mukherjee, Advocate instructed by Shri K. C. Ray, Chief Personnel Officer and Shri J. L. Sinha, Group Personnel Officer.

For the Workmen: Shri D. Na Singh, Advocate instructed by Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh and Shri K. T. Oza, Secretary, Local Branch.

STATE: Bihar.

INDUSTRY: Coal Mining.

AWARD

The Government of India, by the Ministry of Labour and Employment's Order No. LRII/2(61)/59, dated 5th June 1959, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10, of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the following subject matters to the Industrial Tribunal, Dhanbad, for adjudication.

SCHEDULE

"Whether the management of Sirka Colliery is justified in grading Sarvasiri Hardeo Singh and M. Choudhury as Mining Sirdars Class II and Mohan Prasad as Mining Sirdar as Class III, while implementing the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal, if not, to what relief are they entitled?"

2. After hearing the parties by para 14 of my Award dated 30th October 1959, I held that the management of the Sirka Colliery was not justified in grading Hardeo Singh and M. Choudhury as Mining Sirdars Class II and Mohan Prasad as Mining Sirdar Class III while implementing the Award of the All India Industrial Tribunal (Colliery Disputes), (hereinafter referred to as the Majumdar Award) and further held that they were entitled to be graded as Deputy Overmen. Consequently, I directed that those three workmen should be granted the benefit of the pay scale of Rs. 75-5-25 prescribed for Deputy Overmen, by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal, with retrospective effect from 26th May 1956 the date on which the Majumdar Award came into force.

3. Against this Award Messrs. South Karan Coal Co. Ltd. who are the owners and proprietors of the Sirka Colliery, filed a petition under Articles 226 and 227 of the Constitution of India, in the High Court of Judicature at Patna (being M.J.C. No. 904 of 1959) for a writ in the nature of certiorari under Article 226 of the Constitution for quashing the said Award and their Lordships (Shri Ramaswami C. J. and Shri Choudhury J.) by order dated 10th January 1962, were pleased to allow the application and to set aside the said award dated 30th October 1959 and to send the case back to the Industrial Tribunal, Dhanbad for re-hearing the reference and giving a decision in accordance with law.

4. Before their Lordships it was conceded by the Company that under the Majumdar Award dated 26th May 1956 as modified by the decision of the Labour Appellate Tribunal dated 29th January 1957 these three workmen were entitled to be taken as Deputy Overmen, but they contended that because of the bar imposed by Regulation 34 of the Coal Mines Regulations, 1957 which came into force on 24th October 1957, the Company was debarred as a matter of law from appointing them as Deputy Overmen, because none of them had obtained either

the manager's certificate or Overman's certificate, though they admittedly had got Sirdar's Mining Certificates.

5. Now, Regulation 34 is as follows:—

"34. *Appointment and qualifications of Senior Officials.*—(1) At every mine, one or more overmen shall be appointed to hold charge of the different districts of the mine on last working shift.

(2) Every person employed as an Official Subordinate to the Manager and superior to the Sirdar shall hold either a manager's certificate or an overman's certificate."

It was contended by the Company before their Lordships that because of the enactment of these Regulations the relevant provisions of the Majumdar Award cannot be enforced by the Company with regard to the Sirka Colliery. It was, however, conceded that for the period between 26th May 1956 to 24th October 1957, these three workmen were entitled to their salary as Deputy Overmen.

6. On behalf of these three workmen (Respondents 2, 3 and 4 in the petition before the High Court), in this regard reliance was sought to be placed on the saving provision enacted in Regulation 195, which states as follows:—

"195. *Saving clauses.*—(1) Where under any regulation, a person is required to hold an overman's certificate a literate person holding a Sirdar's certificate endorsed for gas-testing shall be considered as qualified to carry out the duties thereunder until such date as the Central Government may notify in that behalf in the Official Gazette.

(2) Where under any regulation, a person is required to hold a Gas-testing Certificate, a person holding a Sirdar's Certificate endorsed for gas-testing shall be considered as qualified to carry out the duties thereunder until such date as the Central Government may notify in that behalf in the Official Gazette."

It was also submitted on behalf of these three workmen that they possessed Sirdar's Certificates endorsed for Gas-testing, but this was disputed on behalf of the Company, which stated that only Mohan Prasad (Respondent No. 4) had Sirdar's certificate endorsed for gas-testing and that the certificates of Hardeo Singh and Muchkand Choudhury (Respondents 2 and 3) are not endorsed for gas-testing. On this their Lordships were pleased to observe:—

"There is no clear finding in the award of the Tribunal on this point and therefore, it is not possible for us to say whether Respondents 2 and 3 also could take advantage of the provisions of Regulation 195."

7. Their Lordships next held that there was also another aspect of the matter to be considered and that was that under a Notification of the Government of India dated 4th July 1960, made under Regulation 195(1) and (2) that 24th October 1961 was the last date for taking advantage of the provisions of the saving clause. The Notification of the Government of India reads as follows:—

"New Delhi, the 4th July 1960

S.O. 1707.—In exercise of the powers conferred by sub-regulation (2) of Regulation 195 of the Coal Mines Regulation, 1957, the Central Government hereby notifies that until the 24th October 1961, a person who is required to hold a gas-testing certificate for carrying out the duties under any of the said regulations, shall if holds a Sirdar's Certificate endorsed for gas-testing be considered as qualified to carry out such duties.

S.O. 1708.—In exercise of the powers conferred by sub-regulation (1) of Regulation 195 of the Coal Mines Regulation, 1957, the Central Government hereby notifies that until the 24th October 1961, a person who is required to hold an overman's certificate for carrying out the duties under any of the said regulations, shall if he is literate and holds, a Sirdar's Certificate endorsed for gas-testing, be considered as qualified to carry out such duties.

Sd./- B. R. KHANNA,

Under Secretary."

8. Their Lordships then went on to observe that my Award suffered from an error of law because, "It had not taken into account the effect of Regulation 34 of the Coal Mines Regulation read along with Regulation 195, and the impact of these Regulations upon the enforcement of the Majumdar Award dated 26th May 1956, as modified by the decision of the Labour Appellate Tribunal. In these circumstances, we think that the Award of the Industrial Tribunal in this case, dated the 30th October 1959, should be set aside and the case must go back to the Industrial Tribunal for re-hearing the reference and giving a decision in accordance with law."

9. Therefore, under Their Lordships directions, I am required to re-hear the reference and in order to properly and legally decide the reference:—

- (1) To give a clear finding as to whether the Sirdar's certificates of Hardeo Singh and Muchkand Choudhury (Respondents 2 and 3) have been endorsed or not for gas testing.
- (2) To show the effect of Regulation 34 read with Regulation 195 and the impact of these regulations upon the enforcement of the Majumdar Award as modified by the decision of the Labour Appellate Tribunal.

10. Thereafter, after notice to the parties the hearing of the industrial dispute was taken up and the submissions of the representatives of the parties were heard on 19th May 1962, and before I proceed. I should like to state certain admitted facts and positions.

11. It is admitted that of these 3 workmen, Shri M. Choudhury passed the Overman's examination and also qualified for gas-testing on 21st October, 1961, and has been taken over as an overman with effect from 1st December, 1961 in the overman's grade of Rs. 75-5-105-6-111. Unfortunately, the other two viz. Hardeo Singh and Mohan Prasad have failed to pass the Overman's examination. The further admitted positions are that upto 24th October, 1957 when the new Regulations of 1957 came into force they have been paid in the Deputy Overman's grade of Rs. 65-5-95 and that since 26th May, 1961 they have been placed in the Class I Mining Sirdar's scale of pay of Rs. 55-3-85.

12. It is further admitted that each of them holds a valid Sirdar's certificate and that Mohan Prasad's certificate was endorsed for gas-testing on 18th July, 1957 and Hardeo Singh's certificate on 11th November, 1956

13. It is also the admitted position of the parties that the Coal Mines Regulations 1957 does not under Section 20(2) define a Deputy Overman as an official, nor is that category referred to anywhere in the Regulations.

Sec. 20(2) of the Regulations is as follows:—

"Official" means a person appointed in writing by the owner, agent or manager to perform the duties of supervision in a mine or part thereof and included an under manager or assistant manager or overman, a Sirdar, an engineer and a surveyor."

It is further the admitted position of the parties that under the Majumdar Award—Appendix XVII—which was an agreed list of job descriptions—a deputy overman's has been defined as follows:—

"Deputy Overmen. Assistant Overmen, Junior Overmen:

"These designations are given in some collieries to persons who hold a Sirdar's certificate and do work entailing less responsibility and needing less experience than that of an overman as defined above and who have a little more responsibility than a mining Sirdar."

It is further the parties admitted position that Deputy Overmen hold a position under the Majumdar Award superior to that of Sirdars and subordinate to that of the overman.

14. The first question which I have to consider under remand is whether the Sirdar's certificates of these workmen have been endorsed for gas testing. I may here mention that the Sirka colliery was declared a gassy mine in 1960. Now, Shri S. S. Mukherjee, has argued that the gas testing certificates which were issued to Mohan Prasad on 18th July 1957 and Hardeo Singh on 11th November, 1956, were no longer valid as under the provision of Regulation No. 27(2), a gas testing certificate has to be renewed after every three years:—

Regulation 27(2) provides as follows:—

"No gas testing certificate shall remain valid for a period of more than 3 years unless it bears an endorsement by the Regional Inspector to

the effect that the holder thereof has within the preceding three years, passed another examination in gas testing."

According to Shri S. S. Mukherjee, the learned Advocate of the company, because Hardeo Singh and Mohan Prasad have not got their gas testing certificates which had been admittedly been endorsed on their Sirdar's certificates, renewed within 3 years as required by Regulation 27(2), they did not have any valid Gas Testing certificate and were therefore not entitled to hold Deputy Overman's post, they not having passed an overman's examination either. To this, Shri D. Narsingh, learned Advocate for the union, in reply contends that under S.O. 1707 dated 4th July 1960, which I have extracted already, all gas testing certificates which had been issued before the Coal Mines Regulations came into force, were to remain valid till 24th October, 1961 and did not require renewing. It is the admitted position that as on 24th October, 1961, both these workmen have valid Sirdar's certificates and according to Shri Narsingh, as under S.O. 1707 dated 4th July, 1960, their earlier gas testing endorsement on their Sirdar's certificate was valid till 24th October, 1961, the requirements of S.O. 1708, must be deemed to have been satisfied at least till 24th October, 1961 till which date they were entitled to Deputy Overman's grade. His contention is and in my opinion this is a valid contention, that under S.O. 1708 as they were literate and had Sirdar's certificates endorsed for gas testing they were qualified to carry out the duties of an overman under the regulations. That as the Deputy Overman's post was admittedly lower than that of an overman, they were under S.O. 1708, qualified until 24th October 1961, to hold the post of Deputy Overman and entitled to be paid for it the salary fixed by the Majumdar Award. Now, the position as admitted at the hearing was that under another later S.O. 3083 dated 30th December, 1961 the saving provisions were further extended till 28th February 1962. Now S.O. 3083 was published in the Gazette of India dated 30th December, 1961, and is as follows:—

"S.O. 3083—In exercise of the powers conferred by sub-regulation (1) of Regulation No. 195 of the Coal Mines Regulations 1957, the Central Government hereby notifies that until 28th February 1962, a person who is required to hold an overman's certificate for carrying out the duties under any of the said regulations, shall if he is literate and holds a sirdar's certificate endorsed for gas testing be considered as qualified to carry out such duties.

No. 1/57/61-M.1.

A. P. VEERA RAGHAVAN, Under Secy."

It is clear, therefore, that under this S.O. both these workmen were qualified to carry out the duties of an overman under the regulations, and as Deputy Overman's duties and responsibilities are lower than those of an overman—they were competent and entitled to the Deputy Overman's wages until 28th February, 1962.

15. It is further admitted that both Hardeo Singh and Mohan Prasad had got these gas testing certificates renewed on 30th April, 1962.

16. It is further admitted that all these three workmen had been working as Mining Sirdars Class I since 25th June, 1961, and that Mining Sirdars Class I are required to have an endorsement for gas testing. It is further admitted that the Sirka colliery was classified as a gassy mine since 1960 and that Mining Sirdar Class I are required to have ambulance certificates, which both these workmen had got in 1956. It is, therefore, clear that for working as Mining Sirdar Class I these workmen were considered by the management to have the necessary endorsement for gas testing. It cannot therefore with justification be argued that the same endorsement could not be considered valid for the purposes of granting them the benefits of S.Os. 1707 and 1708 and 3083 which have all been issued in exercise of the powers conferred by the saving sub-clause (1) of Regulation No. 195. I therefore accept Shri D. Narsingh's contention that under S.O. 1707, 1708 and 3083 the validity of endorsement for gas testing on the sirdar's certificate of these three workmen which was made prior to the coming into operation of the Coal Mines Regulations of 1957, continued to be valid until 28th February, 1962, the period of their validity having been extended till that date.

17. I, therefore, hold on the first issue that the Sirdar's certificates of Hardeo Singh and Mohan Prasad continue to be validly endorsed for gas testing until 28th February, 1962 and that M. Choudhury got his overman's certificate and his gas testing certificate on 21st October, 1961.

18. The next question to consider is what is the effect of Regulation 34 read with Regulation 195 and the impact of these regulations upon the enforcement of the Majumdar Award as modified by the decision of the Labour Appellate Tribunal. The company's contention was that under the ban imposed by Regulation 34 of the Coal Mines Regulations 1957, which came into force on 24th October 1957, it was debarred from that date from appointing these men as Deputy Overmen because neither of them had obtained the manager's certificate or the overman's certificate, though they admittedly had got Mining Sirdar's certificates. But it is clear from the provisions of Regulation 195 (1) and (2) and the various S.Os. issued thereunder that persons having Mining Sirdars certificates and who are literate and who have those certificates endorsed for gas testing would be considered as qualified to carry out the duties of overmen. As it is clearly established that these workmen are literate and had a valid sirdar's certificate which under S.Os. 1707, 1708 and 3083 must be held to have been validly endorsed for gas testing till 28th February, 1962, they were till that date qualified to be appointed as Deputy Overmen and there was no bar in law under the Coal Mines Regulations 1957 to their being appointed as Deputy Overmen and being paid the wages prescribed by the Majumdar Award as modified by the Labour Appellate Tribunal's decision upto 28th February, 1962 and I hold accordingly.

19. In my opinion, after 28th February, 1962 i.e. from 1st March, 1962, as Hardeo Singh and Mohan Prasad have failed to obtain overman's certificate (M. Choudhury having obtained it on 21st October, 1961) the management, under Regulation 34 is debarred from appointing them as Deputy Overmen and these two workmen cannot claim the Deputy Overmen's grade unless they obtain either a manager's or an overman's certificate as required by regulation 34(2). It is clear that Deputy Overman, being a person employed as an official subordinate to the Manager and superior to the Sirdar would be covered by the provisions of Section 34(2), which would apply to them after 28th February, 1962. In my opinion, the provisions of the Majumdar Award as modified by the Labour Appellate Tribunal must in this respect be held to be modified by the provisions of the Coal Mines Regulations of 1957, that also being a later enactment. It has also to be remembered that under the Regulations a penalty is attached for violation of the provisions of any of the Regulations and therefore the direction of the Majumdar Award as modified by the Labour Appellate Tribunal's decision cannot over-ride the provisions of the Coal Mines Regulations 1957.

20. In the result, I make the following award that the management of Sirka Colliery was not justified in grading Sarvashri Hardeo Singh and M. Choudhury as Mining Sirdars Class II and Mohan Prasad as Mining Sirdar Class III, but that each of them was in implementation of the Majumdar Award as modified by the decision of the Labour Appellate Tribunal entitled to be graded as Deputy Overmen. That M. Choudhury was entitled to be paid wages as Deputy Overman in the scale of Rs. 65—5—95 till 21st October, 1961 or till such date from which he got the benefit of the overman's grade and that Hardeo Singh and Mohan Prasad are entitled to the Deputy Overman's scale of wages from 26th May, 1956 till 28th February, 1962, with the benefit of annual increments and also to the benefits of fitment into Deputy Overman's scale of wages as prescribed by the Labour Appellate Tribunal. I further direct that from 1st March, 1962, Hardeo Singh and Mohan Prasad shall get the benefit of the scale of Pay of Class I Mining Sirdars in which grade they are paid at present since 26th May, 1961.

21. I further direct that the dues of these workmen under my award shall be calculated and paid to them within one month from the date this Award comes into force.

22. No order as to costs,

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Govt. Industrial Tribunal, Dhanbad.

DHANBAD,
The 11th July 1962.

[No. 10/1/62-LRII.]

ORDERS

New Delhi, the 1st August, 1962.

S.O. 2543.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kendwadhi Colliery of Messrs Hurriladih Coal Company Limited, Post Office Bhaga, District Dhanbad

and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A, of the said Act.

SCHEDULE

Whether the retrenchment of Sarvashri Mritunjoy Bagchi, P. N. Boxi and Joy Bose, Clerks, Grade III, by the management of Kendwadli Colliery of Messrs Hurriladih Coal Company Limited, Post Office Bhaga, District Dhanbad with effect from the 16th March, 1962, was justified? If not, to what relief are they entitled?

[No. 2/45/62-LRII.]

New Delhi, the 3rd August 1962

S.O. 2544.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Chirimiri Ponri Hill Colliery of Messrs. Dadabhoy's New Chirimiri Ponri Hill Company Private Limited, Nagpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the action of the management of New Chirimiri Ponri Hill Colliery of Messrs. Dadabhoy's New Chirimiri Ponri Hill Company Private Limited, Nagpur by compelling their workmen to proceed on leave, with or without wages, amounts to locking out such workers or laying them off?
- (ii) If so, what relief are the workers entitled to?

[No. 1/24/62-LRII.]

New Delhi, the 4th August 1962

S.O. 2545.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhilai Steel Project of Hindustan Steel Limited, and their workmen employed in Rajhara, Nandini and Hirri Mines in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the management is justified in restricting the payment of production bonus to certain selected categories of workmen and if not, what relief the workmen who have been excluded from the payment of such bonus are entitled to?

[No. 23/22/62-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 1st August 1962

S.O. 2546:—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the factories situate in the areas in the State of Assam mentioned in the Schedule appended to this notification, from payment of employer's special contribution leviable under Chapter V—A of the said Act till the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

S. No.	Name of District	Name of the area	Name of the factory
1	2	3	4
1	Cachar	Silchar	1. State Transport Maintenance Centre. 2. Fruit Preservation Industry. 3. M/s Surma Valley Grinding Mills. 4. M/s Cachar Saw Mills and Allied Industry.
2	Darrang	Charali Tangla Tezpur	M/s Shri Mahadeo Rice and Oil Mills. 1. M/s P. P. Ajitsaria Rice and Flour Mills. 2. M/s Luxmi Narayan Rice and Oil Mills. State Electric Supply Power House.
3	Goalpara	Bongaigaon Goalpara	1. M/s N. B. Rice and Oil Mill. 2. M/s S. B. Saw and Flour Mills. M/s Goalpara Saw Mills.
4	K & J Hills	Shillong	1. State Transport Workshop. 2. M/s Print House. 3. M/s Mirullah and Sons. 4. M/s Don Bosco Training School.
5	Kamrup	Barpeta Road Jhalukbari Nalbari	M/s Shri Gobind Oil and Flour Mills. M/s Shri Khetawat Saw and Rice Mills. M/s Charanji Lal and Co. Workshop.
6	Lakhimpur	Doom Dooma Jeypore	M/s Wood Craft Production Ltd. M/s Assam Plywood Products.
7	Nowgong	Mojai Jagiroad Lumding Lanka Nowgong Panigaon	1. M/s Shri Ramnivas Satya Narayan Rice Mills. 2. M/s State Electric Supply. M/s Assam Spun Silk Mills Ltd. M/s Shri Ganesh Industries. M/s Kamakhya Rice and Saw Mills. M/s Nowgong Motor Co. M/s Annapurna Saw and Rice Mills.
8	Sibsagar	Nazira Sibsagar	M/s Assam Co. Nazira Workshop. M/s Oil and Natural Gas Commission (Workshop).

1	2	3	4
		Titabar . . .	1. M/s National Rice Mill. 2. M/s State Electric Supply.
9	Mikir-Hills . . .	Manipur Road . . .	M/s Woodland Corporation.

[No. F. 6(32)/62-HI]

P. R. NAYAR, Under Secy.

New Delhi, the 1st August 1962

S.O. 2547.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as the Jalpaiguri Bina Printing Works Ltd., Jalpaiguri, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provision of the said Act, to the said establishment.

2. This notification shall be deemed to have come into effect from the 31st July, 1956.

[No. 8(3)/62-PFII.]

New Delhi, the 2nd August 1962

S.O. 2548.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Devki Nandan Sehgal to be an Inspector for the whole of the State of Punjab and the Union territory of Himachal Pradesh for the purposes of the said Act or of any scheme framed there-under, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry.

[No. 21(8)/62-PF.I.]

P. D. GAIHA, Under Secy.

New Delhi, the 3rd August 1962

S.O. 2549.—In exercise of the powers conferred by sub-section (1) of section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. GSR 975, dated the 11th August 1960, namely:—

In the Schedule to the said notification, in the entry under column 1 against item No. 4, after the words "washing plants", the words "and on work of sampling connected therewith" shall be inserted.

[No. 6/6/62-MI/Am(7).]

R. C. SAKSENA, Under Secy.

ORDER

New Delhi, the 3rd August 1962

S.O. 2550.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the demands of the employees of the Gandhibagh Branch of the Punjab National Bank Limited, Nagpur, for (i) equipping the Tiffin Room with crockery and furniture; and (ii) for making a capital grant of Rs. 150 per mensem to the Sports Club, are justified, and if so, what relief are the employees entitled to?

[No. 51(22)/62-LRIV.]

G. JAGANNATHAN, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 31st July 1962

S.O. 2551.—In exercise of the powers conferred under clause (i) of sub-section (3) of Section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates Joint Director of Village and Cottage Industries-cum-Joint Registrar, Industrial Cooperatives, Chandigarh, as a member of the Central Silk Board in place of Shri D. S. Dang, Joint Director of Village Industries, Chandigarh, and makes the following amendment in the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 799, dated the 7th April, 1961, namely:—

In the said notification, for the entry against serial number 18 the following entry shall be substituted:—

“18. Joint Director of Village and Cottage Industries-cum-Joint Registrar,

Industrial Cooperatives, Chandigarh.”

[No. 22/1/61-H.S.(2).]

R. KALYANASUNDARAM, Under Secy.

New Delhi, the 3rd August 1962

S.O. 2552.—In exercise of the powers conferred by section 11 of the Indian Power Alcohol Act, 1948 (22 of 1948), the Central Government hereby declares that the exemption granted to the Indian Oil Company Limited, Bombay, from the provisions of section 6 of the said Act in respect of petrol sold by the Company within the States of Punjab and Uttar Pradesh and the Union Territory of Delhi in the Ministry of Commerce and Industry Notification S.O. 1201, dated the 21st April, 1962, read with Notification S.O. 1871, dated the 29th May, 1962, is extended till the 31st of October, 1962 and amends S.O. 1201 aforesaid as follows, namely:—

In the said notification S.O. 1201, dated the 21st April, 1962, for the words and figures “the 31st July 1962”, the words and figures “the 31st October 1962” shall be substituted.

[No. 34(6)/62-Ch.II.]

C. BALASUBRAMANIAM, Dy. Secy.

RUBBER CONTROL

New Delhi, the 3rd August 1962

S.O. 2553.—Shri S. K. Moorthy, Secretary, Rubber Board, Kottayam, is granted Earned Leave for sixty days with effect from the 6th August, 1962.

In pursuance of Sub-Section (2) of Section 6A of the Rubber Act, 1947 (24 of 1947), Shri T. V. Joseph, Statistical and Accounts Officer of the Rubber Board, is hereby appointed to officiate as Secretary, Rubber Board, Kottayam vice Shri S. K. Moorthy granted leave.

[No. 21(9) Plant (B)/62.]

B. KRISHNAMURTHY, Under Secy.

New Delhi, the 6th August 1962

S.O. 2554.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by Shri Grains Seeds and Oil Merchants' Chamber Limited, Latur, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Chamber for a period of three years from the 11th August, 1962 upto the 10th August, 1965 both days inclusive, in respect of forward contracts in groundnut.

2. The recognition hereby granted is subject to the condition that the said Chamber shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(12)-TMP/FMC/62.]

T. S. KUNCHITHAPATHAM, Under Secy.

ORDERS

New Delhi, the 2nd August 1962

S.O. 2555/IDRA/6/17.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri V. Rajagopalan, 7, Striners Street, Madras-1, to be a member, till the 16th April, 1964, of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1258, dated the 17th April, 1962 for the scheduled industries engaged in the manufacture or production of Paper, Pulp and Allied Industries and directs that the following amendment shall be made in the said Order, namely:—

In the said order after entry No. 27A relating to Shri N. J. Ardeshir, the following entry shall be inserted, namely:—

“27B. Shri V. Rajagopalan,
7, Striners Street,
Madras-1.

[No. 4(38) L.Pr/61.]

New Delhi, the 4th August 1962

S.O. 2556.—IDRA/6/6.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri Gopeshwar, to be a member, till the 5th May, 1963, of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1055, dated the 6th May, 1961 for the scheduled industries engaged in the manufacture or production of electric fans, electric lamps, electronic equipment, house-hold appliances (such as electric irons, heaters and the like), storage batteries, dry batteries, telephones, telegraph equipment, wireless and communication apparatus, radio receivers including amplifiers and public address equipment, television sets, teleprinters, air conditioners and refrigerators, electricity meters and Panel instruments and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 24A relating to Shri Jayant Gadkari, the following entry shall be inserted, namely:—

“24B.	Shri Gopeshwar, General Secretary, Asansol Iron and Steel Workers' Union Bari Manjal, Burnpur, Dist. Burdwan (W. Bengal).	persons employed” in industrial under- taking.
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[No. 1(6) L. Pr/60.]

B. R. ABHYANKER, Under Secy.

ORDER

EXPORT TRADE CONTROL

New Delhi, the 11th August 1962

S.O. 2557.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

UNDER the heading "B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED", for entry (xv) of item 8, the following shall be substituted:—

"(xv) Cardamom seedlings and planting material."

[No. Export (1)/AM(57).]

M. H. SIDDIQI, Under Secy.

(Department of Company Law Administration)

New Delhi, the 31st July 1962

S.O. 2558.—Whereas Shri Vivian Bose, Chairman of the Commission of Inquiry appointed by the Government of India in the Ministry of Finance, Department of Economic Affairs, by Notification No. S.R.O. 2993, dated the 11th December, 1956, as amended by the subsequent Notification No. S.R.O. 464, dated the 11th February, 1957, has resigned and his resignation has been accepted by the Central Government with effect from the 9th day of July, 1962;

Now, therefore, in exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints Shri V. R. Sen, a member of the said Commission, as Chairman thereof.

[No. F. PFG(113)-CLA/60.]

ORDER

New Delhi, the 31st July 1962

S.O. 2559.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby extends up to the 31st October, 1962, the period of time within which the Commission of Inquiry appointed by the Government of India in the Ministry of Finance, Department of Economic Affairs by notification No. S.R.O. 2993 dated the 11th December, 1956, as amended by subsequent notification No. S.R.O. 464 dated the 11th February, 1957, shall submit the report on and in respect of the matters referred to in sub-clauses (i) and (ii) of clause (b) of the notification of the Government of India in the Ministry of Commerce and Industry (Department of Company Law Administration) No. S.O. 1889 dated the 15th June 1962, as amended by the subsequent notification No. S.O. 2204 dated the 18th July, 1962.

[No. F. 9(2)-Admn.II/62.]

B. S. MANCHANDA, Jt. Secy.




(Indian Standards Institution)

New Delhi, the 26th July 1962

S.O. 2560.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules 1955 as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Marks, designs of which together with the verbal descriptions of the designs and the titles of the relevant Indian Standards are given in the Schedule hereto annexed, have been specified.

These Standard Marks, for the purpose of the Indian Standards Institution Certification Marks Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 10th August 1962.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product to which applicable	No. & Title of relevant Indian Standard	Verbal description of the design of the Standard Mark
1	IS:1694 	Tartrazine	IS: 1694-1960 Specification for Tartrazine	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
2	IS:1695 	Sunset Yellow FCF	IS: 1695-1960 Specification for Sunset Yellow FCF	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
3	IS:1696 	Amaranth	IS: 1696-1960 Specification for Amaranth	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/17:2]

S.O. 2561.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for Tartrazine, Sunset Yellow FCF and Amaranth details of which are given in the Schedule hereto annexed, have been determined and the fee shall come into force with effect from 10th August, 1962.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking fee per unit
1	Tartrazine	IS: 1694-1960 Specification for Tartrazine	One Kg.	10 nP per unit with a minimum of Rs. 1000.00 for production during a calendar year.
2	Sunset Yellow FCF	IS: 1695-1960 Specification for Sunset Yellow FCF	One Kg.	[10 nP per unit [with a minimum of Rs. 1000.00 for production during a calendar year.
3	Amaranth	IS: 1696-1960 Specification for Amaranth	One Kg.	10 nP per unit with a minimum of Rs. 1000.00 for production during a calendar year.

[No. MD/18:2]

New Delhi, the 2nd August, 1962

S.O. 2562.— In pursuance of sub-regulation (2) and (3) of regulation 3 the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th July to 31st July 1962.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS:401-1961 Code of Practice for Preservation of Timber (<i>Revised</i>)	IS:401-1954 Code of Practice for Preservation of Timber (<i>Tentative</i>)	This Code of practice covers types of preservatives, their brief descriptions, methods of preservative treatment, and the type and choice of treatment, for different species of timber for a number of uses. Only those preservatives and processes of treatment which have given satisfactory results under Indian conditions of service have been included in this code (Price Rs. 5.50).
2	IS:648-1962 Specification for Steel Sheets for Magnetic Circuits of Power Electrical Apparatus (Non-Oriented Steel) (<i>Revised</i>)	IS:648-1955 Specification for Electrical Steel Sheets (<i>Tentative</i>).	This standard covers the requirements for non-oriented uninsulated magnetic steel sheet and strip primarily intended for machines and transformers operating at power frequencies (Price Rs. 3.00).
3	IS:883-1961 Code of Practice for Use of Structural Timber in Building (Material, Grading and Design) (<i>Revised</i>)	IS:883-1957 Code of Practice for Use of Structural Timber in Building (Material, Grading and Design).	This standard covers the general principles involved in the design of structural timber in buildings. It also covers specifications for structural timber for use in buildings including classification of such timbers into suitable grades. Structural use of plywood shall be covered in a separate standard. Design of timber joints and fastenings in structural use would be covered in a separate standard. (Price Rs. 4.50).
4	IS:1479-(Part III)-1962 Methods of Test for Dairy Industry Part III Bacteriological Analysis of Milk.	..	This standard specifies methods commonly used for detailed bacteriological analysis of Milk. It also includes the methods of bacteriological analysis for special purposes. The specific methods to be employed would depend upon the object of analysis. (Price Rs. 6.50).

(1)	(2)	(3)	(4)
5	IS:1559-1961 Methods of Chemical Analysis of Ferro-Alloys.	..	This standard prescribes in nine sections the analysis of ferro-silicon, ferrochromium, ferromanganese and speigeleisen, silicomanganese, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrovanadium and ferrotungsten. The methods have been prescribed to cover the composition ranges as given in Appendix A. (Price Rs. 10.00).
6	IS:1596-1962 Specification for Polythene Insulated and PVC-Sheathed Cables.	..	<p>This standard covers the requirements for the following types of polythene-insulated and PVC-sheathed cables for electric power and lighting with copper as well as aluminium conductors :—</p> <p>(a) Single-core cables ;</p> <p>(b) Flat twin cables, with or without earth continuity conductor ;</p> <p>(c) Circular twin cables ;</p> <p>(d) Flat three-core cables, and</p> <p>(e) Circular three-core cables.</p> <p>The cables included in this standard are suitable for use where the voltage between the conductor and earth does not exceed 250 V and for any conductor of a 3-phase 440-V system whose neutral point is solidly earthed. (Price Rs. 7.00).</p>
7	IS:1915-1961 Code of Practice for Steel Bridges.	..	This code is primarily intended to apply to the superstructure of simply supported steel bridges of spans (effective) up to 125m (or 400 ft). Where appropriate, the requirements of the code may be adopted for larger spans or other types of steel bridges but care shall be taken in those cases to make the necessary allowances for fixity at the supports, continuity and other indeterminate or special conditions. (Price Rs. 10.00).
8	IS:1926-1961 Equivalent Metric Units for Quantities in Mechanical Engineering.	..	This standard lays down the equivalent metric units for various dimensions and quantities met with in the mechanical engineering field and hitherto expressed in fps units. (Price Rs. 4.00).
9	IS:1944-1961 Code of Practice for Design of Electrical Street Lighting Installations.	..	This code of practice provides guidance to street lighting authorities who are concerned with the preparation of street

(1)	(2)	(3)	(4)
			lighting schemes, their installation and maintenance. This code deals only with electric lighting sources and does not include gas or other types of lighting (Price Rs. 6.50).
10	IS: 1956-1962 Glossary of Terms Relating to Iron and Steel	..	This standard is intended to define the terms commonly used in the different production units of the iron and steel industry. (Price Rs. 12.00).
11	IS: 1978-1961 Specification for Line Pipe	..	This standard covers the requirements for seamless, electric-welded and butt-welded plain-end steel pipes of standard weight, regular weight and extra strong, intended for use in oil industry. (Price Rs. 4.00).
12	IS: 1979-1961 Specification for High-Test Line Pipe	..	This standard covers the requirements for seamless and electric-welded high-test line pipes intended for use in oil industry. (Price Rs. 4.50).
13	IS: 2021-1962 Specification for Metallic Manganese	..	This standard covers the requirements for four grades of metallic manganese commonly used in the ferrous and non-ferrous metals industry. (Price Re. 1.00).
14	IS: 2022-1962 Specification for Calcium Silicon	..	This standard covers the requirements for two grades of calcium silicon commonly used in the iron and steel industry. (Price Re. 1.00).
15	IS: 2023-1962 Specification for Metallic Chromium	..	This standard covers requirements for three grades of metallic chromium commonly used in the production of chromium bearing alloys. (Price Re. 1.00).
16	IS: 2024-1962 Specification for Silico-Chromium	..	This standard covers the requirements for three grades of silico-chromium commonly used in the iron and steel industry. (Price Re. 1.00).
17	IS: 2028-1962 Specification for Open Jaw Spanners	..	This standard covers the requirements of forged, open jaw spanners of single and double ended types for general purposes, and the double ended higher torque spanners used in the automobile industry. (Price Rs. 2.50).
18	IS: 2031-1962 Dimensions for Shaft Height for Driving and Driven Machines	..	This standard covers the heights (from 25 to 1,600 mm), tolerances on height and parallelism for shafts of driving and driven machines. (Price Re. 1.00).

(1)	(2)	(3)	(4)
19 IS:2034-1961 Specification for Butter Tins	..	This standard prescribes the requirements of round open top containers manufactured from tinplate for packing 200 g and 400 g of butter (Price Rs. 1.50).	
20 IS: 2036-1962 Specification for Paper Base Thermosetting Synthetic Resin Bonded Laminated Sheets	..	This standard prescribes the requirements for thermosetting synthetic resin bonded laminated sheets with paper as filler and covers five grades specified under 3.	
		This standard covers only sheets of nominal thickness from 0.4 to 50.0 mm (or 1/64 to 2 in.)	
		This standard prescribes requirements which are mandatory as specified under 5 as well as requirements which are optional as specified under 6. (Price Rs. 2.50).	
21 IS: 2037-1962 Specification for Tracing Cloth	..	This standard prescribes the requirements and the methods of tests for tracing cloth for use in drawing offices. (Price Rs. 2.00).	
22 IS:2038-1962 Specification for Fabric Base Thermosetting Synthetic Resin Bonded Laminated Sheets	..	This standard prescribes the requirements for thermosetting synthetic resin bonded laminated sheets with cotton fabric as filler and covers the three grades specified under 3.	
		This standard covers only sheets of nominal thickness from 0.4 to 100 mm (or 1/64 to 4 in.)	
		This standard prescribes requirements which are mandatory as specified under 5 as well as requirements which are optional as specified under 6. (Price Rs. 2.50).	
23 IS: 2052-1962 Specification for Balanced Feed Mixtures for Cattle	..	This standard prescribes the requirements and the methods of test for balanced feed mixtures for milch cattle and working bullocks. (Price Rs. 4.50).	
24 IS: 2060-1962 Specification for Gents' Leather Shoes	..	This specification prescribes the requirements for gents' leather shoes of three grades, which are made on lasts either by machine or by hand. (Price Rs. 4.50).	
25 IS: 2067-1962 Specification for Wrought Aluminium for Electrical Purposes, Wire (Other Than That Used for Overhead Conductors)	..	This standard covers the requirements of aluminium wire for electrical conductors other than that used for overhead power transmission, and	

(1)	(2)	(3)	(4)
			specifies the chemical composition and mechanical properties, including physical properties and electrical resistivity. (Price Rs. 2.00).
26.	IS: 2077-1962 Specification for Automobile Electric Horn Relays.	..	This standard cover the basic mechanical and electrical requirements and methods of test for 6—, 12— and 24— volt horn relays used in conjunction with electric horns of the same rated voltage used on automobiles. It also lays down their fixing dimensions. (Price Rs. 1.50).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naorji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, (iv) 14/69 Civil Lines, Kanpur.

[No. M. D./13:]

S. O. 2563.—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1962, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. and date of Gazette notification in which establishment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1.	IS:1588-1960 Specification for Aviation Turbine Fuels, Wide Cut Gasoline Type.	S.O. 2960 dated 10th December 1960.	On page 2 in clause 0.3, line 7, please read 'Wide Cut Gasoline' for 'High Flash Point'.
2.	IS:1623-1960 Method for Testing Jute Fabrics for Resistance to Attack by Micro-Organisms.	S.O. 224 dated 28th January 1961.	On pages 1 and 2, in title, please read 'M' 'METHOD'.
3.	IS:1752-1961 Specification for Coal Dust for Use in Cast Iron Foundry.	S. O. 2760 dated 25th November 1961.	On page 3 in Table II, col. 2, Sl. No. (i), line 2, please read 'Min' for 'Max'.
4.	IS:1794-1961 Specification for Shuttles for plain Calico Looms: Suction-Threading Type.	S.O. 416 dated 10th February 1962.	(i) On page 4, a new Fig. has been substituted for the existing Fig. 2A. (ii) On page 5, a new Fig. has been substituted for the existing Fig. 2B.

(1)	(2)	(3)	(4)
5.	IS:1825-1961 Specification for Aluminium Milk Cans.	S.O. 1998 dated 30th June 1962.	(i) In Fig. 1 on page 5, Fig. 2 on page 6 and Fig. 2B on page 7, the neck of the aluminium milk can should not be taken as tapered. (ii) On page 8, Table in Fig. 3B, under Dimension 'B' please read '200.0 ± 0.5' for '205.0 ± 0.5'.
6.	IS:1859-1961 Specification for Thread Cutting Dies.	S.O. 1267 dated 28th April, 1962.	On page 5 a new clause has been substituted for the existing clause 3.9.

Copies of these Errata Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadasaheb Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:6]

C. N. MODAWAL,
Head of the Certification Marks Division.

ERRATA

In the Ministry of Commerce & Industry (Indian Standards Institution) Notification, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 16th June 1962, the following errors may be corrected:—

- (i) S.O. 1859, dated 5th June 1962, Schedule, col. 5, line 2, for '4.411.2' read '4.4.1.2'.
- (ii) S.O. 1861, dated 6th June 1962, Schedule, S. No. 1, col. 4, for (736 7.4) read (736-27.4).

In the Ministry of Commerce & Industry (Indian Standards Institution) Notification, dated 6th July 1962, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 14th July 1962, the following errors may be corrected:—

- (i) S.O. 2145, dated 5th July 1962, S. No. 5, col. 2, for '529-1959' read '29-5-1959'.
- (ii) S.O. 2147, dated 6th July 1962, S. No. 112, col. 2, for 'IS:2116-1962' read 'IS:2016-1962'.
- (iii) S.O. 2148, dated 6th July 1962, S. No. 1, col. 4, item (iii), for '1.22' read '1.229'.